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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,336	03/10/2004	Larry A. Wilson	71,024-528	4303

59582 7590 09/08/2006

DICKINSON WRIGHT PLLC
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SUITE 2000
BLOOMFIELD HILLS, MI 48304-2970

EXAMINER

GRAHAM, GARY K

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,336

Applicant(s)

WILSON, LARRY A.

Examiner

Gary K. Graham

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24, 25 and 27-29 is/are allowed.
- 6) ☒ Claim(s) 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knights (US patent 4,339,839) in view of Blaiklock et al (US patent 4,177,538).

The patent to Knights discloses the invention substantially as is claimed. Note figures 5 and 6 which show an embodiment wherein frame member (110) has a closed upper channel defined between cross members (114,124) and an open bottom channel (118). A wiper blade having a crown, neck and body is fitted into said open channel with said neck extending through a slot defined by the open channel. Fluid can be feed through an inlet into the closed channel and exited through openings (156) in the cross member (124). Knights also discloses embodiments (figures 1-4) wherein the frame member (10) is made of extruded aluminum.

The patent to Knights discloses all of the above with the exception of the figures 5, 6 embodiment being of rigid extruded aluminum and a wall of the bottom channel being deformed to define a protuberance engaging the wiper element.

While Knights discloses that the figures 5,6 embodiment is made of flexible plastics material to enable adaptation to curved surfaces, it appears obvious that the figure 5,6 embodiment could be made of extruded aluminum, as is suggested for the figures 1-4 embodiments, if such is to be used or is desired to be used to wipe a flat surface. Knights clearly suggests making the supporting frame member of a wiper blade of extruded aluminum when wiping a flat surface. Given such, it would have been obvious to one of skill in the art to make the frame of the figures 5, 6 embodiment of extruded aluminum to enable improved wiping of a flat surface as no contour following of a curved surface is needed.

The patent to Blaiklock discloses staking (42) or mechanically deforming of the backing element (22), in addition to a clip (36), to hold the wiper element (30) longitudinally within the channel (24).

It would have been obvious to one of skill in the art to stake the bottom channel of Knights to hold the wiper element therein, as clearly suggested by Blaiklock, to enhance the retention of the wiper element within the channel. Even though Knights employs plugs to hold the wiper element, it appears staking could also be employed to improve the element retention.

Response to Arguments

Applicant's arguments with respect to claim 21 have been considered but are moot in view of the new ground(s) of rejection. As set forth above, Blaiklock discloses mechanical deformation to hold wiper elements within channels. Applicant's argument that claim 21 is nearly word-for-word as allowed claim 1 of the parent application is noted, however, claim 1 of the parent application contains additional structure not set forth in claim 21.

Art Unit: 1744

Allowable Subject Matter

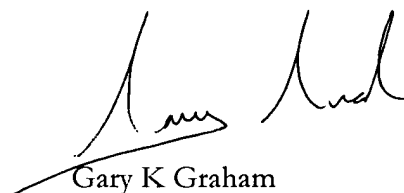
Claims 24, 25 and 27-29 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary K Graham
Primary Examiner
Art Unit 1744

GKG
05 September 2006